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SUBJECT: SIXTH ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP)  
REPORT - MEXICO

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    [F](#). 05 TIJUANA 1527

[1](#)1. (SBU) The mission's point of contact on the Anti-Trafficking in Persons Report is Poloff Scott C. Higgins. He may be reached by telephone at (52)(55) 5080-2000, ext. 4806, or by fax at (52)(55) 5080-2247. Post requests that the names of the non-governmental organizations (NGOs) working with the Government of Mexico (GOM) providing victim protection and assistance are not/not for public disclosure in this context. Post also requests that the names and details of ongoing investigations are not/not for public disclosure.

Mexico is a country of origin, transit, and destination for persons trafficked for sexual and labor exploitation. While there are no reliable figures as to the extent of the trafficking problem, Mexico's geographic location along primary transportation routes for illegal migration into the U.S. as well as the country's high level of organized criminal gang activity leaves little doubt that the transnational and domestic trafficking numbers are substantial.

The GOM has shown commendable progress in combating trafficking in persons (TIP) in the past year; however, more focused efforts are needed to provide a clear and reliable framework for the protection of victims and the prosecution of traffickers. The GOM has decided to take a two-tier approach to combat trafficking. To start, the GOM's Interinstitutional Working Group on Trafficking is developing an initial short-term strategy that includes addressing specific elements of the Tier 2 Watchlist Action Plan to be implemented in select locations based on existing intelligence on trafficking networks (Ref B). As the GOM gains knowledge and experience in combating the trafficking phenomena, it plans to expand its efforts to a nationwide, long-term strategy.

Notable achievements during the year include:

- In January and February representatives from the Mexican Interinstitutional Working Group on Trafficking traveled with the Department of Homeland Security Immigration and Customs Enforcement (DHS-ICE) TIP Coordinator to Chihuahua, Chiapas and Cancun to assess the law enforcement capabilities and shelter resources in anticipation of starting major case investigations in the areas;
- On December 15, 2005 the Mexican Senate approved a comprehensive TIP law that includes harsh sanctions for offenders as well as meaningful protection and prevention

provisions for victims. The bill is now with the Chamber of Deputies pending its consideration;

- On August 18, 2005 the GOM signed an Amendment to an existing Letter of Agreement (LOA) with the U.S. Government (USG) that provides USD \$3.02 million to establish dedicated investigative units and a technical subgroup to combat trafficking;
- The Mexican National Migration Institute (INM) named a primary point of contact on trafficking and the institute sought assistance from several NGOs to provide shelter and assistance to trafficking victims during the year;
- The INM continued formalizing special repatriation procedures for unaccompanied minors from Central America;
- A Trafficking in Persons goal was added to the trilateral Security and Prosperity Partnership (SPP) Senior Law Enforcement Plenary (SLEP) Working Group Matrix.

#### OVERVIEW OF A COUNTRY'S ACTIVITIES TO ELIMINATE TRAFFICKING IN PERSONS

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12. (SBU) Question 1. Is the country a country of origin, transit, or destination for international trafficked men, women, or children? Specify numbers for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers

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and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Post Response: Mexico is a country of origin, transit, and destination for trafficked men, women, and children for purposes of sexual and labor exploitation. In terms of transit and destination, the vast majority of trafficking victims come from Central America, with a lesser number of victims originating from South America, the Caribbean, Eastern Europe, and Asia. Mexico also has a significant problem with internal trafficking.

There are no reliable statistics on the extent of the trafficking problem. The Mexican Interinstitutional Working Group on Trafficking has expressed an interest in commissioning a comprehensive study to serve as the basis for formulating a long-term national plan to combat trafficking, but a lack of resources remains the biggest obstacle. Several separate regionally-focused studies conducted by civil society organizations in conjunction with government agencies are due to be released soon. The limited statistics and information on trafficking patterns that are available usually come from NGOs; however, these reports tend to contain more anecdotal evidence than concrete statistics.

13. (SBU) Question 2. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

Post Response: The profile of the trafficking problem in

Mexico has definitely been increased over the past year by the media, civil society organizations, and the government. Post strongly believes that the continual pressure applied, especially by the media and civil society, has finally brought the issue to the tipping point, and the GOM is now prepared to fully engage on the issue. There is a strong political will at the federal level to address trafficking; however, many local and state level officials still do not fully understand the nature of the trafficking problem or admit that they have a problem.

A December 2005 Congressional Research Service (CRS) Report on Trafficking in Persons in Latin America found that "internal trafficking generally flows from rural to urban or tourist centers within a given country, while trafficking across international borders generally flows from developing to developed nations." Anecdotal evidence tells us that this trend holds true for Mexico. Women and children from Mexico's poorest regions move to the urban, tourist, and the northern border areas seeking economic opportunity, but they often end up working in the commercial sex industry due to trickery, threats, or physical violence by traffickers.

The increasing trend of illegal migration from Mexico and Central America into the U.S. also puts a larger number of vulnerable persons at risk for coming into contact with traffickers. Migrants from Mexico and Central America (especially women and children) are frequently smuggled into the U.S. with promises of a lucrative job only to find themselves forced into prostitution or debt-bondage working conditions. Other common methods used to approach/ target victims include placing ads in newspapers that invite girls to participate in international exchanges or to start lucrative modeling careers. Once the girl is isolated from family and friends, she is forced into prostitution. An NGO working in the southern border area (Casa del Migrante) has reported that many indigenous persons and migrants from Central America work in extremely poor conditions on coffee farms under elements of debt-bondage, and some 90 percent of their children work as domestic employees.

The many pitfalls along the migration routes (including exploitation by criminal gangs such as the Mara Salvatrucha and corrupt law enforcement officials) drive more illegal migrants to hire "polleros" (alien smugglers) to help them transit Mexico and cross the U.S. border - thus increasing their chances of falling prey to trafficking networks. It is commonly accepted that traffickers often employ alien smugglers to target or move victims. Alien smugglers use a

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wide variety of techniques to get people across the border, including false documents, hidden compartments, and dangerous desert crossings.

Many organized criminal organizations from Mexico and other countries use Mexico as a staging and training area for women and young girls destined for brothels and table dance bars in the U.S. According to the Bilateral Safety Corridor Coalition (BSCC), criminal gangs from Mexico, Central America, Russia, Japan, Ukraine and several other countries are involved with trafficking victims across the U.S. - Mexico border.

14. (SBU) Question 3. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Post Response: To date, the most significant limitations that have impeded the government's ability to address the trafficking problem were a lack of resources, internal institutional disorganization, lack of comprehensive legislation, and corruption. Funding for police and other institutions has been inadequate for anti-trafficking efforts

because the GOM was dedicating large amounts of human and monetary resources to fight an escalating problem with narcotics trafficking and violence resulting from competing drug cartels - especially along the northern border area. Up until recently, the GOM's Interinstitutional Working Group on Trafficking has not been effective in formulating a plan or coordinating efforts because the group did not meet frequently enough and the participants kept changing. Pervasive corruption, especially at the state and local level, continues to exacerbate the problem as traffickers are free to operate without fear of prosecution by simply paying off authorities.

Fortunately, some of these limitations have been offset to a certain degree during the last year. The signing of the Amendment to the LOA has made USD \$3.02 million available to assist the GOM in establishing dedicated investigative units and a technical subgroup to combat trafficking (Ref C). USAID will also award a USD \$3 million contract in March that will provide resources to enhance shelter capacity and assistance for trafficking victims. The GOM has used discussions related to these two initiatives to better organize their own internal communication and anti-trafficking efforts via the Interinstitutional Working Group on Trafficking. The group now meets on a regular basis and all the participants appear up to speed on the issue and are empowered to act. The GOM is also focusing more resources on the trafficking problem as the PFP announced it would dedicate 140 agents throughout the country to work trafficking cases, and the INM announced it would add more than 100 new agents to the southern border to enhance security.

The GOM has a long way to go to solve its problem with corruption; however, anti-corruption measures continued to be an important issue for the Fox administration. Additionally, a scandal that has been in the headlines since January has brought an enormous amount of international and domestic media attention to the trafficking phenomena in Mexico. The story centers on secretly recorded telephone conversations between a powerful businessman (Kamel Nacif Borge) and a number of state government officials (including the governor of the state of Puebla) during which the participants discussed plans to jail Lydia Cacho, an independent journalist, on charges of defamation and libel and have her raped while she was in custody. The charges stem from allegations Cacho made in her 2005 book in which she alleged links between government officials, businessmen, drug dealers, and a child prostitution network. While Cacho never directly accuses Kamel Nacif of wrongdoing, she did link him to Jean Succar Kuri - a person b

elieved to be at the center of a child prostitution network in Cancun. Succar Kuri is currently being held in Arizona awaiting a decision on extradition back to Mexico to face charges. The media and numerous senior members of government have called the incident an outrage and are demanding not only an investigation into the irregular arrest of Cacho, but into the underlying charges of trafficking in persons as well.

15. (SBU) Question 4. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and

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periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

Post Response: The GOM lacks the ability at this time to systematically monitor and periodically make available an assessment of its anti-trafficking efforts. The PFP is currently considering adapting an existing internal database system to track and report on trafficking cases. Also, the Narcotics Affairs Section (NAS) at post has offered to

explore options to provide the PFP with case tracking software that NAS has provided to other Mexican federal law enforcement agencies.

The Center for Research on National Security (CISEN) has provided post with several extensive presentations containing intelligence on trafficking cases and networks, but such products were the result of time consuming surveys of state and local law enforcement offices. The CISEN, and later the PFP, were unable to readily provide additional details or updates about cases included in the presentations. Many government officials, however, have admitted that they see the comprehensive federal anti-trafficking law and a system to track prosecutions as essential for combating trafficking in Mexico.

#### PREVENTION

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16. (SBU) Question 5. Does the government acknowledge that trafficking is a problem in that country? If no, why not?

Post Response: The GOM acknowledges that trafficking is both a transnational and domestic problem. Senior GOM officials continued to speak out against trafficking throughout the year, including President Fox, the Secretary for Foreign Relations, the Secretary of Government, the Director of INM, as well as several state governors and attorneys general. During the last year, the GOM sponsored numerous seminars and conferences that included panels on trafficking and the need for a federal anti-trafficking law. The trafficking problem as it relates to internal and border security is seen by many senior government officials as a national security issue of the utmost importance.

On December 15, 2005 the Mexican Senate unanimously passed (95 to 0) a comprehensive TIP law that includes harsh sanctions for offenders as well as meaningful protection and prevention provisions for victims. The bill is now with the Chamber of Deputies for its consideration. Several senior government officials have predicted that the law will pass the lower house during the current legislative session that ends in April. The Senate held an international seminar on trafficking in October 2005. The seminar included numerous international and domestic anti-trafficking experts from both governmental and civil society, including Juan Artola, IOM; Fabienne Venet, Sin Fronteras; Laura Langberg, Organization of American States (OAS); Mohamed Mattar, Johns Hopkins University; and Miguel Ontiveros, National Institute of Penal Sciences. Several of these groups also provided comments to improve the bill that were included in the final version.

On November 3, 2005 the Baja State Congress General Assembly approved an anti-TIP law, making it the first state to pass a law that addresses all "three P's" - prosecution, prevention, and protection (Ref D). However, the law was recently challenged and revoked. The President of the General Assembly Representative Elvira Luna Pineda stated that she will make a few revisions to the law and resubmit it for consideration in March. Several other states (including Chiapas) have also toughened laws against child prostitution and commercial sexual exploitation of minors during the year.

During the year, the INM hosted a series of three conferences addressing security on the southern border that included panels dedicated to the issue of trafficking. The third and final conference took place on November 11, 2005 in Mexico City during which the INM presented a proposal for an integrated migration policy for the southern border. The proposal includes numerous actions aimed at combating trafficking that include improving cooperation with the PGR in prosecuting trafficking crimes, soliciting the assistance of the International Organization for Migration (IOM) to enhance victim services, developing a public awareness campaign about trafficking, establishing a special trafficking victim/ witness visa, strengthening enforcement at companies that abuse migrant workers, and fighting



internal corruption.

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The INM has already taken the initial steps of naming a primary point of contact on trafficking to help schedule training for migration agents, to serve as the liaison for facilitating the regularization of status for victims/witnesses so that they can participate in prosecutions, and to work with NGOs to provide shelter and assistance to trafficking victims.

17. (SBU) Question 6. Which government agencies are involved in anti- trafficking efforts and which agency, if any, has the lead?

Post Response: The GOM established its Interinstitutional Working Group on Trafficking in 2004, which includes representatives from the PFP, the PGR, the CISEN, the INM, the Public Security Police (SSP), the Foreign Ministry (SRE), the National Family Protection Agency (DIF), the National Institute for Women's Issues (INMUJERES), the Secretariat of Health (SSA), the Secretariat of Tourism (SECTUR), and the Secretariat of Labor (STPS).

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The PFP was recently named the lead agency on combating trafficking, taking over the responsibility from CISEN. This is seen as a positive development because the PFP has the law enforcement capabilities necessary to run investigations and arrest traffickers, whereas CISEN is a strategic intelligence gathering agency. Additionally, the three officials that were in charge of the trafficking portfolio at the CISEN were transferred to the PFP, and they now lead the government's law enforcement anti-trafficking efforts. The federal and state attorneys general offices are still responsible for prosecuting cases. The PFP, the PGR, and the INM participants on the Interinstitutional Working Group on Trafficking are working closely with the DHS-ICE TIP Coordinator to establish the dedicated investigative teams that will soon open several major trafficking cases.

18. (SBU) Question 7. Are there, or have there been, government-run anti- trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

Post Response: Yes. To date, the primary focus of the GOM's anti-trafficking information and education campaigns have focused on a National Program to Eradicate the Commercial Sexual Exploitation of Minors. The program is administered by the DIF and is supported by numerous executive and legislative branch entities (e.g., the STPS, the SECTUR, and the PGR), as well as civil society groups (the ILO in particular).

The program includes workshops on detecting, protecting, and providing attention to victims that are provided to social services, trade unions, private sector, law enforcement, and education audiences. The program continues to build upon the widely publicized campaign called "Abre los ojos, pero no cierres la boca" (Open your eyes, but do not close your mouth). Other features of the program include a toll-free number and a wide range of public awareness and outreach materials targeting various audiences - including potential victims and sexual tourists.

The DIF recently reported that in 2005 the agency rescued 270 children from commercial sexual exploitation and since the program's launch in 2003 the government and civil society organizations have given attention to 398 girls and 37 boys at risk; developed and implemented 13 local campaigns, 249

training workshops, and 23 forums; and undertook 64 operations that rescued 127 girls and 19 boys from sexual exploitation.

19. (SBU) Question 8. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

Post Response: Yes. INMUJERES runs programs designed to prevent discrimination against women and help them understand their rights. An example is "Por una vida sin violencia" (For a Life Without Violence). The DIF has programs aimed at both women and children such as "De la calle a la vida" (From the Street to Life) that is aimed at street children. On both borders the DIF runs an extensive network of shelters that protect unaccompanied minors detained while trying to enter the U.S./ depart Mexico (see question 32). The DIF

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also has a program to Prevent and Combat Child Labor and Protect the Rights of Minors.

In 2005, the GOM awarded 5.6 million scholarships to elementary and high school students from families with limited economic resources in an effort to keep the children from dropping out of school. President Fox recently announced that the federal government would increase the number of scholarships to 6 million in 2006.

10. (SBU) Question 9. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

Post Response: The relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue varies - generally depending on the particular government agency and whether the relationship is at the federal or state level. For more information, see questions 20 and 35.

Representatives from both the BSCC and Fundacion Infancia told post that they have an excellent working relationship with the national and state DIF offices when collaborating on anti-trafficking programs and training, but that much more could be done. In February the BSCC signed an agreement with the state of Baja California to combat the sexual exploitation of children and women along the U.S.-Mexico border (see question 20).

Since June 2005, the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) organization, the BSCC, Fundacion Infancia, the IOM, and the ILO have all sponsored training for governmental organizations and NGOs in Mexico to build capacity in victim services and to develop greater awareness of trafficking and the harms of sexual tourism.

The IOM reported that they are receiving excellent cooperation from INMUJERES, the government of Mexico City, and the state governments in Chiapas, Hidalgo, Quintana Roo, and Veracruz. The IOM, however, stated that it met some resistance in establishing a Coordinating Committee with key government entities at the federal level. Recently, the INM did assist the IOM in the identification of two trafficking victims that were being held in an INM detention center as irregular migrants. The INM released the two migrants into the care of an IOM-related NGO and facilitated the submission of a formal criminal complaint with the PGR (see question 17). An investigation is ongoing. The IOM is also currently working on an assessment of trafficking in Mexico City with support of the Mexico City government, and the organization recently completed a manual on TIP in cooperation with INMUJERES, the INM, and the Inter-American Commission on Women (CIM-OAS). Note. The names of NGOs working with INM with victim protection and assistance are not/not for public

disclosure. End Note.

Sin Fronteras reported that they continued to have access to the migration detention center in Mexico City to hold workshops but lamented that they do not have full access to the entire facility to interview for victims. The organization recently reported that it is currently working with the INM to secure a temporary visa for a Chinese migrant who escaped a forced labor situation in Guanajuato (see question 17). The victim reported that he and a number of other Chinese nationals were working in Mexico legally, but that the company forced them to work 16 hours a day, live in the factory, and the management withheld their travel documents. Sin Fronteras stated that the situation at the factory had improved since a visit by Mexican authorities, but that no arrests have been made. The PGR reports that the case is still under investigation. Note. The names of NGOs working with INM with victim protection and assistance are not/not for public disclosure. End Note.

On May 19, 2005, ECPAT-USA launched its Protect Children in Tourism (PCT) Project in Cancun, Mexico, which included encouraging tourism industry officials to sign the ECPAT Code of Conduct for the Protection of Children from Commercial Sexual Exploitation in Travel and Tourism. The project will train people in the travel industry in Cancun about sex tourism - its causes and effects, relevant US and Mexican laws, and what they can do to help prevent and respond to a situation before it gets worse. A few initial meetings with the tourism industry and local government officials have been held in the area, but the project rollout has been delayed due to a change in the NGO's personnel and a large hurricane that struck the region in late 2005.

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The Embassy Committee on Trafficking is working closely with the Mexican Interinstitutional Working Group on Trafficking to better integrate the NGOs in all aspects of the government's efforts to combat trafficking. For instance, the GOM plans to hold a conference in mid-March with the NGOs and international organizations working on the trafficking issue in Mexico in order to gain a better understanding of their ongoing efforts and look for opportunities to cooperate (e.g., provide training to law enforcement, identify victims, collaborating on public awareness and outreach campaigns). Participants on the government working group have told post they fully understanding that NGOs play a key role in identifying and rescuing victims.

11. (SBU) Question 10. Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

Post Response: Yes. Mexican authorities are aware of the influx of trafficked persons and other illegal migrants entering through the southern border with the intention of transiting Mexico en route to the U.S. Mexican migration authorities deported or detained for deportation 240,269 aliens in 2005 - 226,264 of which were from Central America. The 2005 totals mark a ten percent increase over 2004. The INM is also reporting an up tick in the number of women and children migrating alone, which makes them prime targets for trafficking networks. In 2005, the INM received 22,055 unaccompanied Mexican minors returned from the U.S. - a 63.6% increase from 2004.

The INM acknowledges the difficulties it faces due to a lack of budgetary resources. However, the GOM is making a good-faith effort to secure its borders as evidenced by a number of ongoing efforts. The INM held a series of forums in 2005 to discuss security on the southern border that included representatives from Central American consulates (see question 5). The GOM has signed accords with Guatemala, Belize, and El Salvador that include provisions to enhance



border security and provide for the safe and orderly repatriation of migrants (see questions 32 and 34). Law enforcement and migration officials from the three countries recently met under the auspices of the High-Level Border Security Group (Grupo de Alto Nivel de Seguridad Fronteriza, GANSEF) to sign an accord to establish mechanisms to strengthen security on their shared borders by cooperating to combat organized crime, trafficking in persons, the Mara Salvatrucha, and terrorism.

The GOM is building of a USD \$10 million migrant processing facility in Tapachula, Chiapas, where many Central American migrants pass (see question 27). Unfortunately, progress in completing the facility was severely impacted by a hurricane that directly hit the area in late 2005. Many experts predict that the social and economic costs of the storm's damage will also lead to an increase in migration and criminal activity (including trafficking and prostitution) in the region (Ref E).

The INM is making an attempt to link with NGOs to provide victim assistance and has asked for the USG and civil society groups for assistance in training its agents to identify trafficking victims. During the year, the IOM and Sin Fronteras reported that it had been contacted by INM on several occasions to assist with providing assistance and protection to a trafficking victim, and post knows of at least four victims that were provided temporary permission to remain in the country (see question 9 and 17). Note. The names of NGOs working with the INM with victim protection and assistance are not/not for public disclosure. End Note.

¶12. (SBU) Question 11. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

Post Response: The government uses its Interinstitutional Working Group on Trafficking to coordinate internal, international, and multilateral efforts to combat trafficking. When the PFP was named the new lead agency on trafficking, Ardelio Vargas Fosado became the primary point of contact for the GOM.

The Secretariat for Public Administration (SFP) and the PGR

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share the responsibility to investigate public corruption. Many government agencies also have internal anti-corruption programs.

¶13. (SBU) Question 12. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

Post Response: The GOM does not have a national plan of action to address trafficking at this time. The Interinstitutional Working Group on Trafficking has expressed an interest in drafting a national plan, but first it would like to commission a comprehensive nationwide study of the trafficking phenomenon to have a better understanding of the scope of problem.

In the meantime, key participants from the Interinstitutional Working Group on Trafficking (SRE, PFP, PGR, INM, and DIF) are developing a near-term tactical plan (with support from the Embassy Mexico Committee on Trafficking) that will identify specific geographic areas of focus, viable cases for prosecution, and shelter resources to provide the necessary victim's assistance services. The group has already identified Cancun, Guadalajara, Monterrey, Tijuana, Sonora,

and Tapachula as initial target areas based on existing intelligence developed by the CISEN and the PFP. The group feels that it has sufficient intelligence on at least four trafficking networks to open cases immediately, but it is waiting until the dedicated investigative units are established and the shelter/ victim's assistance component of the operations have been identified before moving forward.

In January and February participants of the Interinstitutional Working Group on Trafficking traveled with the DHS-ICE TIP Coordinator to Ciudad Juarez, Chiapas and Cancun to assess the law enforcement and shelter resources in anticipation of starting major case investigations in the areas. The key participants from the Interinstitutional Group on Trafficking plan to meet with members of the Embassy Committee on Trafficking on March 6 to discuss law enforcement training, victim's assistance and protection, and working with NGOs.

#### INVESTIGATION AND PROSECUTION OF TRAFFICKERS

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For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

14. (SBU) Question 13. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

Post Response: At this time Mexico still lacks a federal anti-trafficking law and must rely on existing federal and state criminal statutes to prosecute trafficking cases; however, the government does have the legal instruments necessary to combat both internal and external trafficking.

Mexico's General Population Law, Article 138, makes it a federal crime to traffic in undocumented aliens. The law provides a term of imprisonment shall be imposed on a person who for himself or another, for the purpose of trafficking, attempts to transport or transports or represents that he will transport, Mexicans or foreigners to a foreign country without proper documentation, or introduces foreigners into Mexico without proper documentation.

Article 365 of the Mexican Penal Code, makes it a federal crime to use physical violence, moral suasion, trick or intimidation or any other means, for oneself or another, to get services or work without payment. It also punishes any arrangement which deprives a person of liberty, or puts him or her in conditions of servitude.

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Article 366 makes it a crime to transport a minor (under 16 years of age) outside the country for financial benefit and imposes a penalty of three to ten years.

Article 2 of the Federal Law Against Organized Crime prohibits three or more people from committing repeated violations of Article 366 of the Penal Code and 138 of the General Population Law. This provision allows use of techniques for organized crime investigations and prosecutions, such as wiretapping; seizure and forfeiture of

proceeds; and preventive detention. The time period under the statute of limitations is doubled.

Article 201 of the Mexican Penal Code punishes those who commit the crime of corruption of minors (less than 18 years old). The crime includes those who oblige minors to commit acts of sexual exhibitionism, sexual acts or prostitution. It also criminalizes the procurement of minors to induce them to commit the acts described above, for the purpose of making films and videos for hard copy or for electronic distribution.

The Constitution of the United Mexican States bans slavery and prohibits forced labor, which includes forced or bonded labor by children. The minimum legal age to work is 14 years of age.

¶15. (SBU) Question 14. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

Post Response: Article 138 (trafficking undocumented aliens) provides a term of 6 to 12 years imprisonment. Penalties increase by half if the crime is committed with minors or under conditions which will put their health or life in danger.

The penalty for violation of Article 365 (labor exploitation) is three days to one year, but increases to one to five years, if the plan is to carry out a sexual act. The penalty increases to 20 to 40 years, if Article 365 is violated with a child less than 16 years old, or a victim more than 60 years old, or if the person is mentally or physically handicapped. The penalty increase to 25 to 50 years if the minor is deprived of liberty with the intent to send him or her out of the country, with the intent of obtaining payment for the sale or delivery of the minor. There are additional penalties if the violation also involves a permanent or presumptively incurable disease or loss of sexual function.

Corruption of minors is punished with sentences of five to ten years under Article 201; if the conduct is repeated, the sentence is seven to 12 years. Under Article 201 anyone who procures minors for films, video or other pornographic materials may be sentenced from five to ten years. Those who film, photograph, print or distribute pornographic materials involving minors are subject to sentences of ten to 12 years.

One who directs or manages a child pornography enterprise can receive a sentence of eight to 12 years imprisonment.

¶16. (SBU) Question 15. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Post Response: Each of Mexico's 31 states, plus Mexico City, has their own penal codes and the penalties vary. In Mexico City, the penalty for rape of a child less than twelve years old is punishable by two to five years imprisonment; another 50 percent of the sentence is added if violence was used. Rape of a woman 12 to 18 years old is punishable by three months to four years in prison. The penalty for rape of an adult woman is six months to four years; if violence is used in the process, an additional 50 percent of the sentence may be added to it. Use of force in a rape against a member of either sex is punishable by eight to 14 years in prison.

According to federal law, child prostitution and any practice that affects a child's psychosocial development is a felony under Mexican law. The Federal Penal Code and the Penal Proceedings Code cover crimes involving children or adolescents in pornography or prostitution. The laws cover child pornography, prostitution of minors, and corruption of minors or mentally disabled persons. They specify penalties for perpetrators according to the seriousness of the crime.

¶17. (SBU) Question 16. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized?

Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Post Response: Prostitution is legal in Mexico, but only for adults (those 18 years of age and older) that are not being pimped. The existing laws that do pertain to prostitution focus on threats to public health, moral corruption and pimping. The Mexican criminal code contains penalties for corruption of minors; for induced or forced prostitution and maintaining brothels; for employment of minors in bars and other centers of vice; and for the procurement, inducement or concealment of prostitution. Flagrant prostitution is subject to a penalty of six months to five years in prison. Both pimping and prostitution are practiced widely and generally without arrest or prosecution.

118. (SBU) Question 17. Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced: If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

Post Response: Note. The names and details of ongoing investigations are not/not for public disclosure. End Note. There is no doubt that the GOM is pursuing numerous trafficking cases (see case details below) - the difficulty is in determining the case status or disposition. The GOM acknowledges that it is not currently able to readily provide statistics or information on cases against traffickers due to the lack of a federal law and because most trafficking cases are prosecuted at the state level using a variety of other criminal statutes. Additionally, under the Mexican judicial system, cases are prosecuted via lengthy written submissions to a judge, a process that is usually drawn out - sometimes years. As such, it is very difficult for the government to systematically follow up or report on cases. The PFP and PGR have expressed an interest in implementing a trafficking case tracking system (see question 4).

That said, before the PFP took the lead on trafficking, the CISEN reported that from January to August 2005 law enforcement authorities began criminal proceedings for trafficking-related offenses in 1,336 cases (57 federal and 1279 state) and imposed sentences in 531 cases (20 federal and 511 state). These figures clearly include many cases that would not be considered trafficking.

Post did review the cases with the PGR and the PFP to isolate specific ongoing cases that are trafficking-related, and the GOM was able to provide one case example of a prosecution and sentencing on a verifiable trafficking case. Details as provided by the government are as follows.

- On November 23, 2005, a Mexican court convicted and sentenced Ricardo Gonzalez Gonzalez and Paula Martinez Rodriguez on the charge of Lenocinio (Pimping). They were sentenced to six years in prison and fined approximately USD \$11,000 each. The original sentence would have been between 2-10 years, but because of the violence involved, the sentence was extended to 3-15 years. Case Summary: Ricardo Gonzalez forced a Honduran female into prostitution around May 2005. The victim was forced to live with Gonzalez and she was taken to work everyday by Gonzalez or Martinez, and she was always watched by at least one of the two. The victim advised Gonzalez on June 2, 2005 that she did not want to continue to be a prostitute. Gonzalez and Martinez took the Honduran female to Veracruz and beat her up and threatened to do harm to her family in Honduras if she did

not continue to prostitute herself. Because she was afraid for her life, the victim continued to work as a prostitute and all of her money was confiscated by Gonzalez. Again on July 12, 2005, the victim told Gonzalez that she did not want to work as a prostitute and later that day she escaped by jumping in a cab and the cab driver took her to the police station, where she gave her statement. On July 14, 2005, Ricardo Gonzalez and Paula Martinez were arrested and kept in custody until the judge declared them guilty and sentenced them to prison. Post has a copy of the conviction documents.

The government also provided the following details on other ongoing trafficking cases.

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- On September 13, 2005, police in Mexico City arrested Mercedes Lujan and Javier Cruces on charges on Sexual Exploitation (Case 069/2005). The arrest resulted from a complaint filed by an Argentine female migrant when she was detained by the INM. The victim claimed that she was promised a job as a receptionist by Lujan, but that after she arrived, Lujan and Cruces forced her into prostitution. The INM contacted the Argentine Consulate upon her detention and called the PGR. According to PGR, the victim was able to offer valuable information about criminal gangs dedicated to trafficking in Mexico, Central and South America. The victim was given a 30 day temporary permission to remain in the country and pursue a more permanent migration status. The INM gave custody of the victim to Sister Maria Arlina Barral Arellano, Director of the Pastor Commission of Migrants. Post has a copy of the complaint from INM. The investigation is ongoing.

- On July 17, 2005, the INM detained a Chinese migrant in Ciudad de Valle de Santiago, Guanajuato. The Chinese migrant claimed that he had escaped a near by factory, and he filed a complaint against KBL De Mexico, S.A. de C.V. for abusive treatment and forced labor exploitation. The PFP has opened an investigation (Case 111/2005 and the PGR is looking at the case for possible organized crime charges). Government officials visited the factory after receiving the complaint and reported improved conditions. Post has a copy of the complaint from INM. The investigation is ongoing.

- On July 8 in Tlaxcala, a coordinated operation involving the CISEN, the PGR, the Federal Investigative Agency (AFI), and the INM led to the arrest of two German nationals for pimping, child pornography, and child prostitution. Police believe the two men are a part of a large child pornography and prostitution ring. In addition to a considerable amount of child pornography seized, five minors were rescued from a house owned by the two men. The traffickers are currently detained while authorities continue the investigation.

- In July in Mexico City, INM officials detained five Chinese migrants transiting Mexico to New York. The group had traveled from China to Cuba to Guatemala, and then walked for 13 days into Mexico. Authorities also arrested Roberto Franco Camacho, a Mexican citizen who was smuggling the group. The Chinese migrants admitted to INM agents that they were to work for 10 years in a factory in exchange for eventually being smuggled to New York. After an investigation, the INM and the PGR determined there was insufficient evidence to pursue charges.

- In July, Thai authorities extradited Thomas Frank White to stand trial in Mexico. The PGR had issued arrest warrants for White in relation to his use of drugs, alcohol, money, and the threat of violence to coerce minors to have sex with him and others. The trial is pending.

- In August, INM and AFI agents raided a company called Brazilian Brides - a mail order bride service suspected of smuggling and trafficking Brazilian women. Police arrested



10 women who worked for the company. On August 16 and 17, a judge remanded the women to jail during the investigation. The investigation is ongoing.

- In August in Oaxaca, local police raided a bar and arrested its owner, Asis Morales Lazarillo, for the corruption of minors and pimping. During the arrest, police rescued a minor girl who was working in the bar as a prostitute. Police turned the minor over to a local DIF shelter. The trafficker paid a bond and was released. The investigation is ongoing.

- Mexican authorities are still awaiting the extradition of Jean Succar Kuri from the U.S. Succar Kuri is currently being held in Phoenix, Arizona on an international warrant issued by Mexico in connect to charges of child pornography and child prostitution (see question 3).

¶19. (SBU) Question 18. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

Post Response: Anecdotal evidence suggests that trafficking

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in Mexico involves all types of individuals and groups - including freelance operators, small crime groups, and large international organized crime syndicates (see question 2).

The IOM believes that there are 135 criminal trafficking networks in Mexico. The CISEN says there are 126 gangs involved in trafficking on the southern border. The internet and mail order bride agencies are reportedly common methods used by traffickers to attract victims as well as clients (see Brazilian Bride case in question 17). Alien smugglers are also frequently involved in identifying and transporting trafficking victims. The CISEN recently reported to post that the smuggling of trafficking victims is becoming an increasing important income source for alien smugglers.

There have been reports that some law enforcement and migration officials - especially at the local level - have been involved in trafficking to the extent they have been known to accept bribes to facilitate or ignore alien smuggling or to allow brothels and child prostitution to exist unmolested.

¶20. (SBU) Question 19. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

Post Response: The government does actively investigate cases related to trafficking mainly at the state level (e.g., pimping, child prostitution, child pornography offenses, etc) using active investigative techniques, including electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government. Domestic law does not prevent the police from engaging in covert operations.

¶21. (SBU) Question 20. Does the government provide any specialized training for government officials in how to

recognize, investigate, and prosecute instances of trafficking?

Post Response: The government, in conjunction with some NGOs and the USG, does give specialized training to its officials in how to recognize, investigate, and prosecute instances of trafficking.

The DIF/ ILO program to Eradicate the Commercial Sexual Exploitation of Minors has trained hundreds of government officials. The DHS Citizenship and Immigration Services (DHS-CIS) has offered training to Mexican migration agents that includes elements about how to identify trafficking victims. The NAS and DOJ Federal Bureau of Investigations (DOJ-FBI) sections at post have provided training to Mexican law enforcement officials on active investigation and interviewing techniques.

In February the DHS-ICE TIP Coordinator brought the DHS C3 team to Mexico to provide training to 40 PFP agents in the cyber crimes unit. Also in February, the attorney general for state of Baja California's signed an agreement to work with the BSCC to combat the sexual exploitation of children and women along the U.S.-Mexico border. Under the accord, the BSCC will hold a series of workshops with the agency's police and other personnel on the special needs of sex crime victims.

The DOJ plans to send to Mexico in March an expert on prosecuting trafficking cases. The expert will stay for a TDY assignment of six months to a year to serve as an advisor to the PGR and the PFP.

122. (SBU) Question 21. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

Post Response: The GOM cooperates with other governments in the investigation and prosecution of trafficking cases. During the year, the GOM extradited numerous traffickers to the U.S. and received the extradition of several traffickers wanted to stand trial in Mexico (see question 22).

Mexican law enforcement officials continue to work closely

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with DHS-ICE on numerous investigations of cross-border trafficking cases - especially in the northern border area. On the prosecution side, the Tijuana Consulate recently provided investigative support for local police in ten trafficking and child sex tourism cases. DHS-ICE agents in Tijuana, New York, Miami, and Virginia are investigating a case for Protect Act violations (Ref F).

On February 17 DHS-ICE Mexico City received information indicating that a subject of active federal and state warrants was in Mexico. The warrants for arrest were for child pornography and violation of probation for a capital sex battery. DHS-ICE Mexico City immediately contacted the Mexican federal authorities in the region and coordinated efforts with several agencies including the PFP, INM, and PGR to apprehend and remove the subject. On February 19 DHS-ICE Mexico City coordinated the deportation by Mexican Immigration Authorities and delivery of the subject to U.S. authorities at the Miami International Airport.

123. (SBU) Question 22. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Post Response: Yes. See specific case details below.

- On May 24, 2005, Mexico extradited Mexican citizens Jose Paoletti Moreda and Renato Paoletti Lemus to the U.S to stand trial in the Eastern District of New York on federal extortion charges. The charges relate to the their involvement in an international alien smuggling operation that, during the 1990s, transported deaf-mute Mexican nationals to the United States, held them captive, and forced them to work as peddlers in New York, Chicago, and Los Angeles.

- On September 28, 2005, Mexican citizen Juan Luis Cadena Sosa was arrested in Mexico for the purpose of extradition to the U.S. Cadena Sosa is wanted to stand trial in the Southern District of Florida on federal charges of importing aliens for purposes of prostitution, interstate transport of persons for purposes of illegal sexual conduct, and related offenses. From 1996 to 1998, the Cadena family allegedly smuggled numerous Mexican women, including minors, from Mexico with the promise of legitimate jobs in the U.S. Instead, evidence shows that the women were forced to work as prostitutes in brothels in South Florida in order to pay off their smuggling fees. Currently, another family member, Abel Cadena Sosa, is being prosecuted in Mexico for the same offenses.

- On October 21, 2005, Mexican citizen Consuelo Tomasa Carreto was arrested in Mexico for the purpose of extradition to the U.S. She is wanted to stand trial in the Eastern District of New York on federal charges of sex trafficking, forced labor, alien smuggling, and related offenses. Carreto allegedly was part of a family-run organization that, between 1991 and 2004, smuggled women from Mexico to New York, where they were forced to work as prostitutes through deception, fraud, coercion, rape, forced abortion, threats, and physical violence. Evidence shows that Carreto's role in the organization included recruiting young, uneducated women from impoverished areas in Mexico. On September 22, 2005, Mexico also issued a warrant for the arrest of another member of the organization, Maria de los Angeles Velasquez-Reyes, whose capture is pending.

¶24. (SBU) Question 23. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

Post Response: Yes. See post's response to question 18.

¶25. (SBU) Question 24. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

Post Response: In general the Fox Administration continues to promote a culture of zero tolerance for corruption and has shown considerable transparency in addressing allegations of

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corruption, rather than sweeping reports of such abuse "under the carpet," as often occurred during previous administrations. From January through October 2005, officials at the SFP conducted more than 4,512 inquiries and investigations into possible malfeasance or misconduct by some 3,350 federal officers and employees throughout the GOM. These inquiries and investigations resulted in the issuance of 68 warnings, 1,296 reprimands, suspensions of 918 employees, dismissals of 1,342 federal employees, and fines resulting in approximately USD \$300 million dollars. Post was not able to determine how many of these cases involved trafficking; however, increases in the number of complaints filed during the Fox administration almost certainly indicate increased public confidence that government institutions will

act upon such reports seriously, rather than ignoring them. Numerous NGOs working along both borders report that undocumented migrants are often too afraid to report any type of abuse to authorities out of fear of being deported. Currently, most allegations originate from average Mexican citizens.

The INM continues to fight corruption with mixed results. In September, the PGR issued arrest warrants for six INM agents accused of accepting bribes from alien smugglers. A judge, however, dismissed charges against 20 migration officials, incarcerated since 2004 and accused of alien smuggling - seven of the 20 remain charged with money laundering. Also in September, the GOM announced it was expanding its "Operation Safe Mexico" to the southern border.

¶26. (SBU) Question 25. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Post Response: The GOM has both arrested and extradited foreign pedophiles (see questions 17 and 22). The government has no extraterritorial laws expressly addressing child sexual abuse. However, Article 4 of the Mexican Penal Code provides jurisdiction to Mexican federal district courts for the prosecution of any defendants in a case in which the defendant or victim is Mexican or Mexican interests are official.

¶27. (SBU) Question 26. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

Post Response: Yes. Mexico ratified it in March 2000.

- ILO Convention 29 and 105 on forced or compulsory labor.

Post Response: Yes on both counts. Mexico ratified ILO Convention 29 on May 12, 1934, and Convention 105 on June 1, 1959.

- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

Post Response: Yes. Mexico ratified it on January 16, 2002.

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

Post Response: Yes. Mexico ratified it on May 4, 2003.

#### PROTECTION AND ASSISTANCE TO VICTIMS

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¶28. (SBU) Question 27. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

Post Response: The rights of crime victims are guaranteed in the Mexican Constitution, regardless of the victim's nationality. Both the Mexican federal government and some

states have crime victim's assistance programs. The programs cover legal assistance and medical services and psychological counseling. The DIF, for example, provides temporary shelter and medical services to unaccompanied minor victims of trafficking or smuggling. The DIF also tries to locate parents or family members in order to repatriate the children. The quality of the programs varies widely. While some health screening takes place, undocumented aliens are not routinely screened for HIV/AIDS. Even when tested, positive results may not show up for months.

The INM has a policy to grant temporary resident status for trafficking victims. In the past year, INM has granted temporary status to at least four trafficking victims, and in a few cases it has granted the ability to work while the judicial process is underway (see question 9 and 17). The INM is also constructing a large new facility in Tapachula, Chiapas to process migrants. This facility envisions separate accommodations for men, women, children and families. It will also have offices of the National Human Rights Commission (CNDH) and consuls from the Central American countries whose citizens pass through the region. It is hoped that better surroundings for illegal migrants could increase the probabilities of victim identification and their use as witnesses. The INM has consulted with the IOM on the construction of the facility. Unfortunately, construction on the facility was impacted when a hurricane caused extensive damage in the region in late 2005; the migration area of the facility is not expected to open until spring 2006.

In August 2005, the DIF in the state of Chiapas opened a shelter near the state capital Tuxtla Gutierrez that provides medical and psychological attention, job training, and other reintegration services to domestic violence victims. Government officials told poloff during a tour of the facility that they were willing to accept other types of victims (e.g., trafficking). USAID plans to visit the shelter in the coming weeks to determine if it would be appropriate to house trafficking victims in the facility.

129. (SBU) Question 28. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

Post Response: The federal and state governments do provide funding and other forms of support to domestic NGOs for services to victims; however, the level of funding and support is very limited. The director for the SRE's office for civil society organizations is attending meetings of the Mexican Interinstitutional Working Group on Trafficking in an effort to better coordinate the GOM's relation with NGOs working on the issue.

130. (SBU) Question 29. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

Post Response: The DIF operates shelters for unaccompanied migrant children who are intercepted at the border. Shelters operate in border towns for those adults who self-refer. Third Country Nationals (TCNs) intercepted at the border are generally placed in a migration detention station until they can be repatriated. NGO's such as Casa Alianza offer shelter to street children, mainly adolescents, who are often victims of sexual exploitation. The INM has also referred several trafficking victims to NGOs for assistance (see questions 9 and 17).

131. (SBU) Question 30. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?



Post Response: Violators of Mexican immigration law usually are deported within a few weeks, especially if they are from Central America. Since June 2005, SSP and INM agents have raided numerous table dance bars and brothels throughout the country. In each case, the authorities detained between 15 and 25 women; the vast majority of the women detained came from Central and South America, but some were from Asia and Eastern Europe as well. Given the lack of a federal trafficking law and the reluctance of victims to participate in prosecutions, the authorities deported the women for violating immigration law. Post knows of no cases in which

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the undocumented migrants were prosecuted for other offenses.

132. (SBU) Question 31. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

Post Response: Yes, the PFP, the PGR, and the INM do encourage victims to cooperate with investigations; however, the victims rarely self-identify and the law enforcement agents often lack the training necessary to identify trafficking victims. The INM has managed to identify a few victims and grant temporary legal status to victims willing to participate in investigations (see question 17). The INM has no specific numbers on the persons granted such permits and takes them on a case-by-case basis; however, post knows of at least four victims that have received a temporary status to remain in the country. The federal law passed by the Senate and now pending in the lower house of Congress contains provisions for a victim restitution program.

133. (SBU) Question 32. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

Post Response: The DIF manages 20 children's shelters (19 on the northern border with the U.S. and one on the southern border with Guatemala). The 19 shelters on the northern border are for unaccompanied Mexican minors caught in the U.S. or in Mexico trying to cross the border. Trained shelter staff conduct interviews with the children for a variety of victim issues, and then tries to reunite the children with family when appropriate. Minors that are "other than Mexican" are sent to the shelter in Tapachula, Chiapas and then repatriated to their home countries. The GOM worked closely with UNICEF to improve the shelter system on the northern border, and now the GOM is collaborating with the IOM to build similar capacity on the southern border. In other cases, the GOM has referred victims to NGOs; however, there are not many shelters capable of handling trafficking victims.

In the February meeting of the USG-GOM SLEP Working Group on Organized Migrant Smuggling and Trafficking in Persons, law enforcement officials from the PFP and PGR acknowledged the importance of providing victim protection and they were open to the idea of including a victim/ witness advocate on the dedicated investigation units. The Interinstitutional Working Group on Trafficking also plans to work with USAID to identify shelter resources and short falls in order to better focus and coordinate funding.

134. (SBU) Question 33. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

Post Response: Since 1998, the PGR has trained its officers to deal with child victims of sexual abuse. The Mexican consulates along the U.S. southern border are trained at handling these types of cases as well. The Interinstitutional Working Group on Trafficking has proposed creating a network among the Mexican Consulates throughout the U.S. to help raise awareness and identify victims.

The INM is very interested in getting training for its migration agents. In addition, some NGOs have provided training to police as well (see questions 9 and 35).

135. (SBU) Question 34. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

Post Response: Through the DIF the government administers

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assistance programs for children repatriated to Mexico principally from the United States. The DIF's inter-institutional Project for the Attention to Minors on the border incorporates actions of various government and societal institutions. The program's objectives are to develop a campaign for the permanent protection of children on both sides of the of Mexico's northern border; consolidate a network of shelters and health centers aimed at trafficked children; and a system of reintegration for repatriated children (see question 32).

Mexico has also begun to make advances under the respective memorandums of understanding signed with Guatemala, El Salvador, and Belize by arranging for the secure and organized repatriation of Central Americans - with special attention given to women and children. Under new procedures instituted in 2005, the INM must notify the appropriate consulate of children held in detention and scheduled for repatriation. The repatriation of children must take place at agreed upon times and locations and they are transported separately from adults. In the case of Guatemalans, children are placed under the responsibility of Bienestar Social, the Guatemalan child welfare institution. In some special cases, children are also placed with Casa Alianza in Guatemala City.

Post has heard from some NGO contacts working on the southern border that the new procedures are still not formulized or consistent, but authorities on both sides of the border are aware of the continuing issue (see question 10).

136. (SBU) Question 35. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

Post response: Numerous NGOs and international organizations work with trafficking victims.

Sin Fronteras has a good relationship with the GOM, particularly with the INM and the SRE's Secretariat for Global Affairs. Sin Fronteras holds regular workshop in the Ixtapalapa Migrant Detention Center in Mexico City, and the NGO has been called upon in the past to assist the INM with providing assistance to trafficking victims (see question 17). Sin Fronteras plans to include a trafficking module in its workshops to help identify trafficking victims. Note. The names of NGOs working with the INM with victim protection and

assistance are not/not for public disclosure. End Note.

The IOM also works extensively with the GOM, again mostly with the INM to provide training to INM officials on both the northern and southern borders. The IOM is conducting an assessment of TIP in the state of Baja California Norte and the city of Tapachula, Chiapas and it has held a TIP seminar in Cancun. The IOM recently signed an agreement with Casa del Migrante in Tapachula, Chiapas to pay the costs of sheltering and providing assistance to trafficking victims. They are also close to signing a similar agreement with the domestic violence shelter Centro Integral de Atencion a Las Mujeres (CIAM) in Cancun. The INM has also contacted the IOM for assistance with trafficking victims. Note. The names of NGOs working with the INM with victim protection and assistance are not/not for public disclosure. End Note.

The BSCC and World Vision recently launched a public awareness campaign composed of stickers and posters in highly trafficked areas in the Tijuana border area with a 24/7 call center to field anonymous tips. A new billboard two blocks from the Tijuana Consulate sternly warns onlookers "Abuse a child in this country, go to jail in yours - Stop sexual exploitation." Taxis display new bumper stickers highlighting a "Pedo-File Rex" dinosaur denouncing child sex tourism next to old political slogans and commercial ads.

The DIF/ ILO program to eradicate commercial sexual exploitation of minors is operating in the 27 cities considered the most vulnerable to the phenomena (Tijuana, Tapachula, Ciudad Juarez, Acuna, Frontera, Monclova, Piedras Negras, Valle de Bravo, Acapulco, Guadalajara, Puerto Vallarta, Zapopan, Tonalá, Tlaquepaque, Degollado, Oaxaca, Cancun, Playa del Carmen, Cozumel, Chetumal, Tlaxcala, Jalapa, Veracruz, Nautla y Cosoleacaque) and in 11 states (Baja California, Chiapas, Chihuahua; Coahuila, Mexico, Guerrero, Jalisco, Oaxaca, Quintana Roo, Tlaxcala y Veracruz).

The Coalition Against Trafficking in Women (CATW) actively works to raise awareness about TIP. It is currently working on programs, such as TV ads, designed to prevent the sexual

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exploitation of minors. CATW reports having received funding from the INMUJERES and the Mexico City Government.

Fundacion Infancia works with the tourism industry on prevention of child sexual exploitation. Fundacion Infancia works with the BSCC and the ILO in providing training to government entities and schools.

The Casa del Migrante runs shelters in Tapachula, Ciudad Juarez, and Tijuana where they primarily attend to migrants but also encounter TIP victims. The organization recently added a separate shelter area dedicated for trafficking victims that includes space for up to 12 victims. There is currently one trafficking victim staying at the shelter.

Casa Alianza Mexico (CAM) runs a network of shelters dedicated to street children. In the course of their work, they encounter TIP victims. They receive the cooperation of the INM when they encounter an undocumented migrant and need assistance to repatriate the victim to their native country.

The OAS provided funds for and participated in workshops, conferences, and public awareness campaigns in Mexico in 2005. The OAS funds also supported large initiatives administered by the ILO and others aimed at reducing child labor and the commercial sexual exploitation of children.

The Fray Julian Garces Human Rights Center, based in the state of Tlaxcala, works with trafficking victims in that area.

"Las Mercedes" runs a shelter for women who have been victims

of prostitution or are at risk of becoming victims. They go to the bus terminals in Mexico City where young, unsuspecting minors and women arrive from the rural areas and talk to them before the prostitution networks victimize them.

INMUJERES is also involved in anti-TIP efforts, mostly through funding programs for CATW and its program to counter violence against women ("For a Life Without Violence") to educate women on their rights.

The UN Office on Drugs and Crime (UNODC) works with the GOM on anti-TIP efforts.

¶37. (SBU) NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, a lack of political will to address the problem should be noted as well.

Post Response: At this point, the GOM is not fully capable of assisting trafficking victims beyond the network of DIF shelters for Mexican children, but there have been several cases during the year in which a trafficking victim was identified by government officials and turned over to NGOs for victim's assistance and protection.

The major constraint facing the government in providing assistance and protection is a lack of resources, training, and personnel. However, during recent discussions at the USG-GOM SLEP Working Group on Organized Migrant Smuggling and Trafficking in Persons, GOM officials acknowledged the need to dedicate additional government resources to the protection victims/ witnesses as well as forge a closer working relationship with NGOs.

Furthermore, the Mexican Interinstitutional Working Group on Trafficking and the Embassy Mexico Committee on Trafficking are doing an "inventory" of available governmental and NGO shelter and victim assistance resources in the initial target areas in order to determine where we can best focus/ leverage the limited resources available from the GOM, the USG, and civil society groups.

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